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EXPRESS MAIL CERTIFICATE

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I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

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Customer No.: 07278

PATENT TRADEMARK OFFICE

Docket No.: 5407/1J328US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daryl REAL et al.

Serial No.: 10/087,198

Confirmation No.: 8576

Filed: March 1, 2002

For: METHOD OF ENHANCING REPRODUCTIVE PERFORMANCE IN SOWS

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of Form PTO-1449 and copies of the documents listed thereon.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

This submission is filed within three months of the filing of the application.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Serial No. 10/087,198
Information Disclosure Statement

Docket No. 5407/1J328US1

It is believed that no fee is due. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge the above deposit account for any deficiency.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,


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Dated: May 8, 2002

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FORM PTS-1149, 11-94, 11-95, 11-96, 11-97, 11-98, 11-99

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

SHEET 1 OF 5
(REV. 7-80)LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

DOCKET NO.:
APPLICANT:5407/1J328-US1
Daryl E. REAL et al.SERIAL NO: 10/087,198
FILING DATE: March 1, 2002
CONFIRMATION NO: 8576U.S. PATENT DOCUMENTS

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>NAME</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>FILING DATE</u>
	1. 4,315,927	16 Feb 1982	Evans	A61K	31/555	8 Aug 1980
	2. 5,124,357	23 Jun 1992	Newton et al.	A61K	35/78	26 Sep 1991
	3. 5,192,804	9 Mar 1993	Blum et al.	A61K	35/78	22 Jun 1992
	4. 5,223,285	29 Jun 1993	DeMichele et al.	A23L	1/303	31 Mar 1992
	5. 5,472,952	5 Dec 1995	Smidt et al.	A61K	31/00	18 Mar 1993
	6. 5,480,659	2 Jan 1996	Tokach et al.	A23J	3/16	22 Mar 1994
	7. 5,614,224	25 Mar 1997	Womack	A61K	31/195	20 Apr 1995
	8. 6,242,487	5 Jun 2001	Blum et al.	A61K	31/195	3 Dec 1997

FOREIGN PATENT DOCUMENTS

<u>*EXAMINER INITIALS</u>	<u>DOCUMENT NUMBER</u>	<u>DATE</u>	<u>COUNTRY</u>	<u>CLASS</u>	<u>SUBCLASS</u>	<u>TRANSLATION YES</u>	<u>NO</u>

OTHER REFERENCES
(INCLUDING AUTHOR, TITLE DATE, PERTINENT PAGES, ETC.)*EXAMINER
INITIALS

9. Agricultural Research Council, The Nutrient Requirements of Pigs (1981: Commonwealth Agricultural Bureaux), pp. 97-119.



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

SHEET 2 OF 5
(REV. 7-80)

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

DOCKET NO.: 5407/1J328-US1 SERIAL NO: 10/087,198
APPLICANT: Daryl E. REAL et al. FILING DATE: March 1, 2002
CONFIRMATION NO: 8576

*EXAMINER
INITIALS

10. J. Arthington, "Millennium Technologies™: The Original L-Carnitine/Chromium Picolinate Supplement. How and Why It Works?" (as of April 27, 2000: Premier Nutrition Technologies, <http://www.pntechnologies.com/pignutrition.html>), 5 pages.

11. David H. Baker et al., "Ideal Protein for Swine and Poultry" (1992: BioKyowa Technical Review - 4, Nutri-Quest, Inc., Chesterfield, MO).

12. W.T. Cho et al., "Effects of L-Carnitine, Chromium Picolinate with Different Fat Sources on Growth and Nutrient Digestibility in Pigs Weaned at 21 Days of Age" (1999: reprint of Han'guk Ch'uksan Hakhoechi, 41(4)), pp. 445-456; and abstract thereof.

13. S.S. Dritz et al., "Effects of Chromium Picolinate on Reproduction and Farrowing Performance of Parity One Sows" in B. Goodband et al., Ed., Swine Day 1999: Report of Progress 841 (November 1999: Kansas State University Agricultural Experiment Station and Cooperative Extension Service), pp. 41-44.

14. M.F. Fuller et al., "The Optimum Dietary Amino Acid Pattern for Growing Pigs: 2. Requirements for Maintenance and for Tissue Protein Accretion" (1989: British Journal of Nutrition, Vol. 62), pp. 255-267.

15. K.L. Gross et al., "Dietary Chromium and Carnitine Supplementation Does Not Affect Glucose Tolerance in Obese Dogs During Weight Loss" (May/June 2000: Journal of Veterinary Internal Medicine, Vol. 14, No. 3), ACVIM Abstract 70, p. 345.

16. K.L. Gross et al., "Effect of Dietary Carnitine or Chromium on Weight Loss and Body Composition of Obese Dogs" (1998: Journal of Dairy Science, Vol. 81, Suppl. 1, p. 175): 1998 Joint Meeting Abstract, 1 page.

17. M.D. Lindemann et al., "Evaluation of Two Nutritional Technologies for Improving Sow Productivity: Is It the Same Pig?" (August 29, 2001: Presented at the Prince Agri Products Swine Reproduction Symposium, Des Moines, IA).

18. J.L. Nelssen et al., "Nutrition, Deficiencies and Dietetics" in Allen D. Leman et al., ed., Diseases of Swine, 7th Edition (1992: Iowa State University Press, Ames, IA), pp. 744-755.

19. G.L. Newton et al., "Carnitine in Nursery Pig Diets" in 1987 University of Georgia Swine Report, Special Publication No. 44 (1987: The University of Georgia College of Agriculture), pp. 45-49.

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

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CONFIRMATION NO: 8576

*EXAMINER
INITIALS

✓ 20. Nutrient Requirements of Swine, Number 2, Eighth Revised Edition (1979: National Research Council), p. 30.

✓ 21. Nutrient Requirements of Swine, Ninth Revised Edition (1988: National Research Council), pp. 50-52.

✓ 22. Nutrient Requirements of Swine, Tenth Revised Edition (1998: National Research Council), pp. 110-123.

✓ 23. P.R. O'Quinn, "Effects of Modified Tall Oil on Growing-Finishing Pig Growth Performance, Carcass Characteristics, and Meat Quality Attributes and on Body Composition and Blood and Tissue Levels of Cholesterol, Phospholipids, and α -Tocopherol in Adult Ovariectomized Rats" (1999: Ph.D. Thesis, Kansas State University, Manhattan, KS), pp. 85-103.

✓ 24. P.R. O'Quinn et al., "Effects of Modified Tall Oil, Chromium Nicotinate, and L-Carnitine on Growth and Carcass Traits of Finishing Pigs" (1999: Journal of Animal Science, Vol. 77, Suppl. 1), Abstract 176, p. 67.

✓ 25. Performance Nutrition Technologies, "Millennium Technologies: The Original L-Carnitine Supplement" and "How Do L-Carnitine and Chromium Picolinate Work?" (as of April 27, 2000: www.pntlabs.com/millennium.html), 2 pages.

✓ 26. Performance Nutrition Technologies, "Millennium Technologies: The Original L-Carnitine Supplement" and "How Do L-Carnitine and Chromium Picolinate Work?" (cached prior to July 17, 2001: www.pntlabs.com/millennium.html), 4 pages.

✓ 27. Performance Nutrition Technologies, "VitaLean" (as of November 2, 2001: <http://www.pntlabs.com/vitalean.htm>), 3 pages.

✓ 28. D.E. Real et al., "Interactive Effects of Added L-Carnitine and Chromium Picolinate on Sow Reproductive Performance" in B. Goodband et al., Ed., Swine Day 2001: Report of Progress 880 (November 2001: Kansas State University Agricultural Experiment Station and Cooperative Extension Service), pp. 1-4.

✓ 29. B.T. Richert et al., "Determining the Valine Requirement of the High-Producing Lactating Sow" in B. Goodband et al., Ed., Swine Day 1994 (November 1994: Kansas State University), pp. 10-14.

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

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APPLICANT: Daryl E. REAL et al. FILING DATE: March 1, 2002
CONFIRMATION NO: 8576

*EXAMINER
INITIALS

30. C.J. Samland et al., "Ovulation and Fertilization Rate of Gilts Provided Additional L-Carnitine and Chromium Nicotinate" in B. Goodband et al., Ed., Swine Day 1998: Report of Progress 819 (November 1998: Kansas State University Agricultural Experiment Station and Cooperative Extension Service), pp. 25-27.

31. Shanghai Luyuan Fine Chemical Factory, "Product - II. Feed Additive" (as of November 19, 2001: <http://www.finechem-china.com/product2.html>), 5 pages.

32. J.W. Smith, II, et al., "The Effects of Supplemental Dietary Carnitine, Betaine, and Chromium Nicotinate on Growth and Carcass Characteristics in Growing-Finishing Swine" in B. Goodband et al., Ed., Swine Day 1994: Report of Progress 717, (November 1994: Kansas State University Experimental Station), pp. 158-161.

33. J.W. Smith, II, et al., "The Effects of Dietary Carnitine, Betaine, and Chromium Nicotinate Supplementation on Growth and Carcass Characteristics in Growing-Finishing Pigs" (1994: Journal of Animal Science: Annual Meeting Abstracts, Vol. 72, Suppl. 1), Abstract 1054, p. 274..

34. J.W. Smith, II, et al., "The Effects of Supplementing Growing-Finishing Pig Diets with Carnitine and(or) Chromium on Growth and Carcass Characteristics" in B. Goodband et al., Ed., Swine Day 1996: Report of Progress 772, (November 1996: Kansas State University Experimental Station), pp. 111-115.

35. Standing Committee on Agriculture Pig Subcommittee, Feeding Standards for Australian Livestock: Pigs (1987: Commonwealth Scientific and Industrial Research Organisation (Australia), East Melbourne, Vic., Australia), pp. 42-43.

36. Sunglo Feeds, Inc., "Feeds and Feeding" (as of April 28, 2000: Hesston, KS, ShowPig.com, <http://specialbydesign.com/showpig/feeds.htm>), 5 pages.

37. A.T. Waylan, "The Effects of Dietary Supplementation of Modified Tall Oil, Vitamin E, Chromium Nicotinate, and L-Carnitine on Pork Quality, Display Color Stability, and Bacon Characteristics" (1999: M.A. Thesis, Kansas State University, Manhattan, KS), pp. 107-136.

38. A.T. Waylan et al., "The Effects of Swine Dietary Supplementation of Modified Tall Oil, Chromium Nicotinate, and L-Carnitine on Longissimus Muscle Quality Characteristics and Display Color Stability" (1999: Journal of Animal Science, Vol. 77, Suppl. 1), Abstract 104, p. 50.

LIST OF REFERENCES CITED BY APPLICANT

(Use Several Sheets if Necessary)

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*EXAMINER
INITIALS

WJ
39. A.T. Waylan et al., "Influence of Dietary Supplementation of Modified Tall Oil, Chromium Nicotinate, and L-Carnitine on Pork Chop Display Color Stability, Warner-Bratzler Shear, and Sensory Panel Traits" in B. Goodband et al., Ed., Swine Day 1999: Report of Progress 841 (November 1999: Kansas State University Agricultural Experiment Station and Cooperative Extension Service), pp. 152-155.

WJ
40. A.T. Waylan et al., "Influence of Dietary Supplementation of Modified Tall Oil, Chromium Nicotinate, and L-Carnitine on Bacon Characteristics" in B. Goodband et al., Ed., Swine Day 1999: Report of Progress 841 (November 1999: Kansas State University Agricultural Experiment Station and Cooperative Extension Service), pp. 156-158.

EXAMINER: *John J.*DATE CONSIDERED: 12/15/02

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.